



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Approval of Drug-free Workplace Policy

MEETING DATE: November 20, 1991

PREPARED BY: Personnel Director

RECOMMENDED ACTION: That the City Council approve the drug-free workplace policy in accordance with the provisions of the Drug-Free Workplace Act, the Americans With Disabilities Act, and the Rehabilitation Act.

BACKGROUND INFORMATION: The Drug-Free Workplace Act passed by the United States Congress requires that all employers who contract with the federal government in excess of \$25,000 must certify that they will maintain a drug-free workplace. The approval of this policy establishes the City of Lodi's compliance with this law.

The Americans With Disabilities Act (ADA) prohibits discrimination against an individual solely because of his/her addiction, however it permits an employer to require such an individual to comply with established drug and alcohol policies and employment standards applicable to all employees. The ADA further requires employers to provide reasonable accommodation to an employee who meets the Act's criteria for a "qualified individual with a disability" pertaining to drug and alcohol use.

The Rehabilitation Act **also** prohibits discrimination and requires reasonable accommodation, and provides both the legislative and judicial foundation for the ADA. Compliance with the Rehabilitation Act and subsequent case law further ensures compliance with the Drug-Free Workplace and Americans With Disabilities Acts.

The City is currently in the process of reviewing a drug testing policy to further advance our drug-free goal.

FUNDING: No funding is required.

Joanne Narloch
Personnel Director

JN/kt

CC :

APPROVED:

Thomas A. Peterson

CC5/TXTA.04P

THOMAS A. PETERSON
City Manager

SUBJECT: : DRUG-FREE WORKPLACE

DATE ISSUED: : November 20, 1991

SECTION: : D

REFERENCE: : Drug Free Workplace Act of 1988;
Americans With Disabilities Act of
1990; The Rehabilitation Act of
1973.

SECTION 1:PURPOSE

The City of Lodi has a strong commitment to providing a drug-free workplace. To this effect, the purpose of this policy is to eliminate and prevent substance abuse and its effects in the workplace. It is the intent of the City of Lodi to provide a safe, healthy work environment and to encourage employees to work together toward this end.

SECTION 2:POLICY STATEMENT

The unlawful manufacture, distribution, dispensing, possession, use, or being under the influence of alcohol and/or controlled substances during work hours, in the workplace whether on or off City property, or while operating City vehicles and equipment is prohibited.

Drug and alcohol consumption on and/or off the job can adversely affect job performance and employee/public safety. The City respects the privacy of employees unless involvement with drugs and alcohol off the job adversely affects job performance and employee/public safety.

SECTION 3:ACCOMODATION

The City of Lodi is committed to providing reasonable accommodation to those employees with a drug or alcohol problem in accordance with the provisions of federal and/or state law.

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The City of Lodi's voluntary Employee Assistance Program is available to assist employees who seek help for alcohol or drug problems. Employees are encouraged to contact the Employee Assistance Program directly for additional information.

SECTION 4:

ENFORCEMENT

Employees in violation of this policy will be subject to disciplinary action up to and including discharge.

SECTION 5:

PRESCRIPTION MEDICATION

An employee taking prescribed drugs which may interfere with safe work performance is required to provide written documentation from the prescribing physician indicating the level of interference with job performance. The employee's immediate supervisor or department head shall determine on a case-by-case basis the employee's ability to perform employment responsibilities. Failure to notify a supervisor may result in disciplinary action in accordance with City policy and procedure. An employee may be required to provide a statement from a licensed physician, indicating when the employee is able to work safely, or any limitations she/he may have while taking the prescribed medication.

PLCY01E/TXTA.04P/POLCY.DIR

RESOLUTION NO. 91-213

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A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE DRUG-FREE WORKPLACE POLICY

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WHEREAS, The Drug-Free Workplace Act passed by the United States Congress requires that all employers who contract with or receive grants from the federal government in excess of \$25,000 must certify they will maintain a drug-free workplace. The approval of this policy establishes the City of Lodi's compliance with this law; and

WHEREAS, the Americans With Disabilities Act (ADA) prohibits discrimination against an individual solely because of his/her addiction, however it permits an employer to require such an individual to comply with established drug and alcohol policies and employment standards applicable to all employees. The ADA further requires employers to provide reasonable accommodation to an employee who meets the Act's criteria for a "qualified individual with a disability" pertaining to drug and alcohol use; and

WHEREAS, The Rehabilitation Act also prohibits discrimination and requires reasonable accommodation, and provides both the legislative and judicial foundation for the ADA. Compliance with the Rehabilitation Act and subsequent case law further ensures compliance with the Drug-Free Workplace and Americans With Disabilities Acts;

NOW, THEREFORE, BE IT RESOLVED, the Lodi City Council hereby approves the drug-free workplace policy in accordance with the provisions of the Drug-Free Workplace Act, the Americans with Disabilities Act, and the Rehabilitation Act.

Dated: November 20, 1991

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I hereby certify that Resolution No. 91-213 was passed and adopted by the Lodi City Council in a regular meeting held November 20, 1991 by the following vote;

Ayes: Council Members - Hinchman, Pennino, Sieglock, Snider
and Pinkerton (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Alice M. Reimche
Alice M. Reimche
City Clerk

91-213

RES91213/TXTA.02J

SUBJECT: : DRUG-FREE WORKPLACE

DATE ISSUED: : November 20, 1991

SECTION: : D

REFERENCE: : Drug Free Workplace Act of 1988;
Americans With Disabilities Act of
1990; The Rehabilitation Act of
1973.

SECTION 1:PURPOSE

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Drug and alcohol consumption on and/or off the job can adversely affect job performance and employee/public safety. The City respects the privacy of its employees and contractors unless involvement with drugs and alcohol off the job adversely affects job performance and employee/public safety.

SECTION 3:COMPLIANCE OF FEDERAL CONTRACTORS AND
GRANTEES

Federal Contractors and grantees must certify that they will provide drug-free workplaces as a pre-condition to receiving a contract or grant from any Federal agency. Failure to comply with the requirements of the Drug-Free Workplace Act may result in the following sanctions:

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A. suspension of payments under the grant;

B. termination of the grant; or

C. debarment from any grant award from any Federal agency for a period up to five (5) years.

Such penalties may be applied to contractors/grantees who have made false certifications of compliance with the Act.

SECTION 4:

COMPLIANCE OF EMPLOYEES

All employees shall agree to abide by this condition of employment and shall notify the City of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

In those instances where City employees, who are employed under Federal contract or grant, are convicted of criminal drug statutes violations occurring in the workplace, the City shall notify the grantor agency within ten (10) days after receiving notice from such employees or otherwise receiving actual notice of such convictions.

SECTION 5:

ENFORCEMENT

The City shall take appropriate disciplinary action, up to and including termination, and/or require an employee to participate satisfactorily in a drug-abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement or other appropriate agency within thirty days of receiving notice that a City employee was convicted of a criminal drug statute violation which occurred in the workplace. Coordination of the rehabilitation aspects shall be handled through the Personnel Department.

SECTION 6:

ACCOMODATION

The City of Lodi is committed to providing reasonable accommodation to those employees with a drug or alcohol problem in accordance with the provisions of federal and/or state law.

The City of Lodi's voluntary Employee Assistance Program is available to assist employees who seek help for alcohol or drug problems. Employees are encouraged to contact the Employee Assistance Program directly for additional information.

SECTION 7:

PRESCRIPTION MEDICATION

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